

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 KENNETH HICKERSON,

4 Plaintiff

5 v.

6 WESTGATE LAS VEGAS RESORT, LLC,

7 Defendant

Case No.: 2:22-cv-01629-APG-BNW

**Order Remanding Case for Lack of
Subject Matter Jurisdiction**

8 Defendant Westgate Las Vegas Resort, LLC removed this action from state court based
9 on diversity jurisdiction. ECF No. 1. Westgate did not submit evidence that the amount in
10 controversy requirement is satisfied, so I ordered it to do so. ECF No. 5. Westgate responded by
11 submitting a demand letter the plaintiff sent in January 2021. ECF No. 8-2. "A settlement letter
12 is relevant evidence of the amount in controversy if it appears to reflect a reasonable estimate of
13 the plaintiff's claim." *Cohn v. Petsmart, Inc.*, 281 F.3d 837, 840 (9th Cir. 2002). That letter
14 requests \$100,000.00 but identifies only \$8,745.37 in medical bills and states that other
15 categories of damages are to be determined. *Id.* The letter does not provide a sufficient basis for
16 me to conclude by a preponderance of the evidence that \$100,000.00 is a reasonable estimate of
17 the plaintiff's claim based on the limited information presented. Consequently, I remand the
18 case to state court.

19 I THEREFORE ORDER that this case is remanded to the state court from which it was
20 removed for all further proceedings. The clerk of court is instructed to close this case.

21 DATED this 17th day of October, 2022.

22 

23 ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE